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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,478	05/17/2001	Yoshiaki Ichikawa	H6810.0020/P020	2989

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EXAMINER

TSAL, CAROL S W

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/858,478

Applicant(s)

ICHIKAWA ET AL.

Examiner

Carol S Tsai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

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DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Arguments

2. Applicant's arguments see "AMENDMENT AFTER FINAL ACTION", filed 12/08/2003, with respect to claims 1-39 have been fully considered and are persuasive. The finality of the previous office action is hereby withdrawn in view of the newly cited prior art JP 2000137747 to Ebitani et al.

Claim Objections

3. Claims 1-39, objected to because of the following informalities:

In claims 1, 7, 12, 36, 37, 38, and 39, line 8, "substance different from fed substance and generated in the process" should read - - substance different from fed substance generated in the process - -.

In claims 19, 25, and 30, line 9, "substance different from fed substance and generated in the process" should read - - substance different from fed substance generated in the process - -.

In claim 19, line 12, "determining a quantity" should read - - determine a quantity - -.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-39 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2000137747 to Ebitani et al.

With respect to claims 1-3 and 12-15, Ebitani et al. disclose a method for management of chemical materials comprising the steps of: providing a first data set containing which substances comprise said materials (see Figs. 10, 11, and 18 and paragraphs 0059 and 0092-0101 of “DETAILED DESCRIPTION”); providing a second data set containing which of said substances are to be controlled (see Fig. 10 and paragraphs 0022 and 0059 of “DETAILED DESCRIPTION”); and providing a third data set containing a ratio of discharge of said controlled substances in a process, wherein a fed substance and a discharged substance in the process are stored in said third data set and said discharged substance includes said controlled substance different from fed substance generated in the process; analyzing a preset amount of said materials in said process and determining a quantity of said controlled substances utilizing said first and second data set; determining an emissions quantity of said controlled substances utilizing said ratio and said quantity of said controlled substances; and maintaining said third data set according to a preset interval of time (see Figs. 10-13 and 16 and paragraphs 0007-0020, 0056-0059, 0065-0070, and 0079- 0087 of “DETAILED DESCRIPTION”).

As to claims 7-9, Ebitani et al. also disclose a method for management of chemical materials comprising the steps of: providing a first data set containing which substances comprise said materials (see Figs. 10 and 18 and paragraphs 0059 and 0092-0101 of “DETAILED DESCRIPTION”); providing a second data set containing which of said substances

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are to be controlled (see Fig. 10 and paragraphs 0022 and 0059, of “DETAILED DESCRIPTION”; providing a third data set containing a ratio of discharge of said controlled substances in a process, wherein a fed substance and a discharged substance in the process are stored in said third data set and said discharged substance includes said controlled substance different from fed substance generated in the process; providing a fourth data set containing handling precautions, hazards and legal regulations for said materials (see Fig. 36 and paragraphs 0139 and 0140 of “DETAILED DESCRIPTION”); analyzing a preset amount of said materials in said process and determining a quantity of said controlled substances utilizing said first and second data set; determining an emissions quantity of said controlled substances utilizing said ratio and said quantity of said controlled substances; and maintaining said third data set according to a preset interval of time (see Figs. 10-13 and 16 and paragraphs 0007-0020, 0056-0059, 0065-0070, and 0079-0087 of “DETAILED DESCRIPTION”).

As to claims 19-21 and 36-39, Ebitani et al. also disclose a system for management of chemical materials comprising: a server (see paragraph 0022 of “DETAILED DESCRIPTION”) comprising: a first data set containing which substances comprise said materials (see Figs. 10 and 18 and paragraphs 0059 and 0092-0101 of “DETAILED DESCRIPTION”); a second data set containing which of said substances are to be controlled (see Fig. 10 and paragraphs 0022 and 0059 of “DETAILED DESCRIPTION”); a third data set containing a ratio of discharge of said controlled substances in a process, wherein a fed substance and a discharged substance in the process are stored in said third data set and said discharged substance includes said controlled substance different from fed substance generated in the process; said server being in communication with a processor, said processor being programmed to: analyze a preset amount

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of said materials in said process and determine a quantity of said controlled substances utilizing said first and second data set; determine an emissions quantity of said controlled substances utilizing said ratio and said quantity of said controlled substances; and maintaining said third data set according to a preset interval of time (see Figs. 10-13, and 15-17 and paragraphs 0007-0020, 0056-0059, 0065-0070, and 0079- 0087 of “DETAILED DESCRIPTION”).

As to claims 25-27 and 30-32, Ebitani et al. also disclose a system for management of chemical materials comprising: a server (see paragraph 0022 of “DETAILED DESCRIPTION”) comprising: a first data set containing which substances comprise said materials (see Figs. 10 and 18 and paragraphs 0059 and 0092-0101 of “DETAILED DESCRIPTION”); a second data set containing which of said substances are to be controlled (see Fig. 10 and paragraphs 0022 and 0059 of “DETAILED DESCRIPTION”); a third data set containing a ratio of discharge of said controlled substances in a process, wherein a fed substance and a discharged substance in the process are stored in said third data set and said discharged substance includes said controlled substance different from fed substance generated in the process; a fourth data set containing handling precautions, hazards and legal regulations for said materials (see Fig. 36 and paragraphs 0139 and 0140 of “DETAILED DESCRIPTION”); said server being in communication with a processor, said processor being programmed to: analyze a preset amount of said materials in said process and determining a quantity of said controlled substances utilizing said first and second data sets; determine an emissions quantity of said controlled substances utilizing said ratio and said quantity of said controlled substances; and maintain said third set data according to a preset interval of time (see Figs. 10-13 and 16 and paragraphs 0007-0020, 0056-0059, 0065-0070, and 0079- 0087 of “DETAILED DESCRIPTION”).

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As to claims 4, 10, 16, 22, 28, and 33, Ebitani et al. also disclose said process being a chemical reaction (see paragraphs 0059-0062 of "DETAILED DESCRIPTION").

As to claims 5, 17, 23, and 34, Ebitani et al. also disclose providing a fourth data set containing handling precautions, hazards and legal regulations for said materials (see Fig. 36 and paragraphs 0139 and 0140 of "DETAILED DESCRIPTION").

As to claims 6, 11, 18, 24, 29, and 35, Ebitani et al. also disclose the data sets being provided by an outsourcing company (see Fig. 2 and paragraphs 0023-0030 and 0060 of "DETAILED DESCRIPTION").

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. Tsai whose telephone number is (703) 305-0851. The examiner can normally be reached on Monday-Friday from 7:30 AM to 4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (703) 308-1677. The fax number for TC 2800 is (703) 308-7382. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2800 receptionist whose telephone number is (703) 308-1782.

In order to reduce pendency and avoid potential delays, Group 2800 is encouraging FAXing of responses to Office actions directly into the Group at (703) 308-7382. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the

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examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2800 will be promptly forwarded to the examiner.

A handwritten signature in black ink, appearing to read "Carol S. W. Tsai". The signature is fluid and cursive, with the first name "Carol" being the most prominent.

Carol S. W. Tsai
Patent Examiner
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12/18/03